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*Co-Counsel to Defendant NYSA-ILA
Medical & Clinical Services Fund*

JUDGE KOELT

John P. Sheridan [JS 9127]
GLEASON, MARRINAN &
MAZZOLA MARDON, P.C.
26 Broadway - 17th Floor
New York, New York 10004
Tel: (212) 425-3240
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*Co-Counsel to Defendant NYSA-ILA
Medical & Clinical Services Fund*

07 CV 1271

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
FREDERICK FISHER,

Plaintiff,

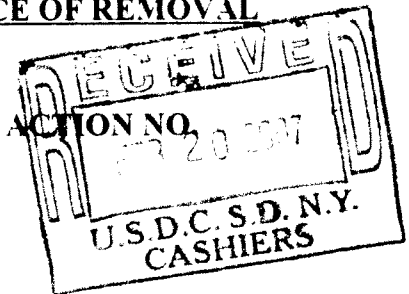
- vs. -

NYSA-ILA MEDICAL AND CLINICAL
SERVICES FUND,

Defendant.
-----X

NOTICE OF REMOVAL

CIVIL ACTION NO.



**TO THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Defendant NYSA-ILA Medical and Clinical Services Fund ("Fund") respectfully submits the following in support of the removal of this action to this court:

1. The Fund is a Taft-Hartley labor-management trust fund composed of an equal number of labor and management trustees and is a multiemployer employee benefit welfare plan within the meaning of the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended, 29 U.S.C. §§ 1001 *et seq.* The Fund was established and is maintained in accordance with the provisions of collective-bargaining agreements entered into between New York

Shipping Association, Inc. ("NYSA") (the multiemployer bargaining association in the longshore industry in the Port of New York and New Jersey) and the International Longshoremen's Association, AFL-CIO ("ILA") (the union representing longshoremen, clerks, checkers, maintenance personnel and other related classifications of waterfront labor employed by NYSA's members in the Port of New York and New Jersey). The Fund is maintained and operated in accordance with its Agreement and Declaration of Trust and Plan and applicable law. The Fund has its office and principal place of business at 45 Broadway - 5th Floor, New York, New York 10006. The Fund provides dental benefits to eligible participants of the Fund and their eligible dependents.

2. The Notice of Claim and Summons to Appear asserts that Plaintiff Frederick Fisher resides at 1498 Third Avenue, New York, New York 10028.

3. On February 6, 2007, the Fund received a copy of a Notice of Claim and Summons to Appear issued out of the Civil Court of the City of New York, County of New York, under Index Number NSC 20038/07-2. A true copy of the Notice of Claim and Summons to Appear is annexed hereto as Exhibit A.

4. There have been no other proceedings in the state court action.

5. The Notice of Claim and Summons to Appear asserts that "[t]he Claimant asks Judgment in this court for \$3000.00 together with interest and disbursements on the following claim: ACTION TO RECOVER MONIES ARISING OUT OF NONPAYMENT FOR SERVICES RENDERED. DATE OF OCCURRENCE: 10-30-2006."

6. This court has subject-matter jurisdiction over this action pursuant to ERISA § 502, 29 U.S.C. § 1132, because plaintiff is seeking to recover benefits from the Fund.

7. The court has venue over this action in accordance with 28 U.S.C. § 1441.

8. This Notice of Removal is timely because in accordance with 28 U.S.C. § 1446(b) it has been filed within 30 days from the date on which the Fund received a copy of the Notice of Claim and Summons to Appear.

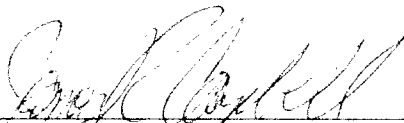
WHEREFORE, the NYSA-ILA Medical and Clinical Services Fund respectfully avers that this action has been properly removed to this court.

Dated: New York, New York
February 20, 2007

Respectfully submitted,

THE LAMBOS FIRM

By



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*Co-Counsel to Defendant NYSA-ILA Medical
and Clinical Services Fund*

TO: Frederick Fisher
1498 Third Ave
New York, New York 10028
Plaintiff

Clerk of the Court
Civil Court of the City of New York
Small Claims Court
111 Centre Street, Room 322
New York, New York 10013-4389
Index No. NSC 20038/07-2

CIVIL COURT OF THE CITY OF NEW YORK SMALL CLAIMS PART 111 CENTRE STREET - RM. 322 NEW YORK, NY 10013-4389	
1. Article Addressed to:	
2. Article Number	7180 8583 3220 0469 7221

<p>NOTICE OF CLAIM</p> <p>The Claimant asks Judgment in this court for together with interest and disbursements, on the following claim:</p>

CIV-SC-55 Face (3/05)

NOTICE TO DEFENDANT**NOTICE OF CLAIM and SUMMONS TO APPEAR**

This is the start of a lawsuit against you. It should not be ignored. Your default may have serious consequences. YOU MUST BRING THIS NOTICE WITH YOU EACH TIME YOU APPEAR IN COURT ON THIS CASE.

SUMMONS TO APPEAR

This claim is scheduled for a Hearing to be held in the Courtroom:

111 Centre Street (Room 353)

New York, New York 10013

On Wednesday, March 7, 2007 at 6:10 PM

You, or someone authorized on behalf of you, must appear and present your defense at the Hearing. If you wish to bring a counterclaim, you must file an affidavit to represent your good faith defense. IF YOU FAIL TO APPEAR, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT. EVEN THEN, YOU MAY HAVE A VALID DEFENSE. Only the Judge presiding at the Hearing can grant an adjournment. The Clerk cannot grant an adjournment on the scheduled date of time.

DATED January 31, 2007

CHIEF CLERK

JACK BAKER

CASE TYPE: SMALL CLAIM

SMALL CLAIM

CLAIMANT

FREDERICK FISHER
1498 THIRD AVE.
NEW YORK, NY 10018

INDEX NUMBER

NSC 20038/07-2

3/7

DEFENDANT

NYSA-ILA MEDICAL AND CLINICAL
45 BROADWAY
NY, NY 10006

A Guide to Small Claims Court is available at the court listed above.

ESTA INFORMACIÓN ESTÁ DISPONIBLE EN ESPAÑOL EN LA CORTE

If this case involves damage to an automobile or other property covered by an auto policy, call your attorney representative to the extent possible.

COUNTERCLAIM AND DEFENSE

COUNTRY

[illegible]

If you believe your claimant may also give you information that will help you understand the full scope of the problem, you may want to give them a copy of the hearing. If you present a copy of the hearing to your claimant, you may request and obtain an affidavit from them stating that they have read the hearing and that they are not providing any information that would be helpful to the claimant. If you do not have an affidavit from your claimant, you may still be able to file a third-party action.

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DEVIATION FROM THE "CONSUMER TRANSACTION" (filed against you by a corporation, association, partnership, or other entity) prior to your receipt of this Notice of Claim. If you then

SECRET

1. Would you be able to work out a settlement with the Claimant, without the need for the hearing? The document provided to the Court must be signed by you or your solicitor on behalf of the Claimant. If you are more than one person, you must all agree to the settlement. If you are unable to agree to pay, and the Claimant is not willing to accept your offer, then the court will have to decide whether you should pay, and order a written Stipulation of Settlement.

If you are not present at the hearing, the case will be decided by the court without your input.

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